

**CERCLA SECTION 103 and EPCRA SECTIONS 302 - 312 EVALUATION REPORT**  
**\*\*\*CONFIDENTIAL BUSINESS INFORMATION\*\*\***

- I. FACILITY** Bulk Chemicals Inc.  
809 Mohrsville Road  
Mohrsville, Pennsylvania 19541
- CONTACT** Mr. Harry Adams
- TELEPHONE NO.** (800) 338-2855
- EMAIL ADDRESS** hadams@bulkchemicals.us
- SIC Code: 2819  
NAICS Code: 325998
- II. DATE OF INSPECTION** July 25, 2019
- III. CASE NUMBER** 03-PA-2019-019
- IV. CONTACT INFORMATION**
- SERC:** Pennsylvania Emergency Management Agency  
1310 Elmerton Avenue  
Harrisburg, Pennsylvania 17110  
Telephone: (717) 651-2001
- Department of Labor & Industry  
Bureau of Occupational & Industrial Safety  
Pennsafe Program  
651 Boas Street  
Harrisburg, Pennsylvania 17121  
Telephone: (717) 783-2071  
Facsimile: (717) 783-5099
- LEPC:** Berks County Department of Emergency Services  
Direct Link Technology Center  
2561 Bernville Road  
Reading, Pennsylvania 19605  
Telephone: (610) 374-4800
- Local Fire Department:** Shoemakersville Fire Department  
300 Church Avenue  
Shoemakersville, Pennsylvania 19555  
Telephone: (610) 562-8091
- V. SUMMARY OF FINDINGS**
- On July 25, 2019, the inspectors, (b) (4) of Cherokee Nation Assurance (CNA) and (b) (4) (CNA), met with facility representatives, Mr. Harry Adams of Bulk Chemicals Inc. (Bulk), President; Mr. Michael Rowley (Bulk), EHS; Mr. Timothy Fudge (Bulk), IT/IS; Mr. David Heffelfinger (Bulk), 1<sup>st</sup> Shift Supervisor; Mr. Justin Lineman, consultant for Lewis Environmental (Lewis); and Mr. Geoff Kristof, principal for Aquaterra, at the Bulk facility located at 809 Mohrsville Road in Mohrsville, Pennsylvania to conduct the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and Emergency Planning and Community Right-to-Know Act (EPCRA) Sections

302 through 312 inspection. Also in attendance at the inspection was Ms. Kelley Chase, On-Scene Coordinator (OSC) for the U.S. Environmental Protection Agency (EPA), and Mr. Chris Bosnyak, Emergency Response Coordinator for the Pennsylvania Department of Environmental Protection (PADEP).

The EPA selected the Bulk facility for an inspection based on information received by Region 3 EPCRA Coordinators, Mr. Perry Pandya and Ms. Theresa Gallagher, regarding a release of nitric acid that occurred at the Bulk facility located at 809 Mohrsville Road in Mohrsville, Pennsylvania.

According to National Response Center (NRC) Incident Report No. 1248397 (Attachment 6), the Bulk facility in Mohrsville, Pennsylvania had a release of two thousand two hundred (2,200) gallons of nitric acid on June 9, 2019 at 7:30 p.m. (1930 hours), and reported that release to the NRC on June 10, 2019 at 12:32 p.m. (1232 hours), a delay of approximately seventeen (17) hours and two (2) minutes.

Nitric acid [Chemical Abstracts Service (CAS) Number 7697-37-2] is a CERCLA hazardous substance and an EPCRA Extremely Hazardous Substance (EHS) with a Reportable Quantity (RQ) of one thousand (1,000) pounds.

Location and topographic maps of the facility were prepared by the inspectors and are included as Attachment 4. (b) (4) (CNA) informed the facility representatives that the inspectors would be photo-documenting the tour of the facility. Refer to Attachment 5 for the Photograph Log.

On July 17, 2019, Ms. Gallagher (EPA) sent a letter to Mr. Adams (Bulk) confirming the date and time of this inspection (Attachment 7).

## 1. FACILITY DESCRIPTION, OPERATIONS, AND CORPORATE INFORMATION

The facility description, operations, and corporate information provided below are based on information gathered during and after the inspection and include the following:

- Background Information (Attachment 8);
- July 29, 2019 Email Message from Mr. Adams (Bulk) to (b) (4) (CNA) (Attachment 9); and
- Aerial Map (Attachment 10).

Mr. Adams (Bulk) stated that the corporate name of the company is Bulk Chemicals Inc., but that their industry name is BCI Surface Technologies. Bulk supplies chemicals to the metal finishing industry. Raw materials are brought onsite and Bulk blends the chemicals, often with water, prior to reselling them to their customers.

According to Mr. Adams (Bulk), Bulk was incorporated in 1974 in the State of Pennsylvania. Bulk is headquartered in Reading, Pennsylvania. The Bulk facility representatives stated that annual revenue for the facility in 2018 (b) (4) (b) (4) (b) (4) (b) (4).

Mr. Adams (Bulk) stated that Bulk leases a warehouse facility located in [REDACTED], Pennsylvania. In addition, Bulk owns another facility in [REDACTED], Pennsylvania that began manufacturing operations after the June 9, 2019 nitric acid release. In addition, Bulk has warehouses in [REDACTED], [REDACTED] based on revised scope. There is no chemical storage at the Reading, Pennsylvania headquarters location.

The facility operates Monday to Friday from 7:00 a.m. (0700 hours) to 10:00 p.m. (2200 hours). There are twelve (12) to thirteen (13) employees at the Mohrsville location on a daily basis.

According to Bulk facility representatives, Bulk owns the facility property and does not have any tenants onsite. There are no rail lines onsite.

The Mohrsville manufacturing property consists of ninety-six hundredths (0.96) of an acre (Attachment 9).

Bulk facility representatives provided the inspectors with an aerial map of the Bulk facility (Attachment 10). The facility is surrounded to the south, west, and north by residential properties and wooded land, and to the east by wooded land. The Schuylkill River is located just beyond the residential and wooded area to the west of the facility and Mohrsville Road.

Mr. Adams (Bulk) stated that the facility does not have air or water permits. In addition, there is no discharge from the property. All materials are hauled away as hazardous or non-hazardous waste.

<b>CHIEF EXECUTIVE OFFICER:</b>	Mr. Charles Ike
<b>PRESIDENT/CHIEF OPERATING OFFICER:</b>	Mr. Harry Adams
<b>DIRECTOR OF OPERATIONS:</b>	Mr. Frank Ike

During the inspection, the facility representatives stated that the Bulk facility's primary Standard Industrial Classification (SIC) Code is 2819, industrial inorganic chemicals, not elsewhere classified. The Bulk facility also stated that the facility's primary North American Industrial Classification Standard (NAICS) Code is 325998, all other miscellaneous chemical product and preparation manufacturing.

The inspectors reviewed the above information provided by the Bulk facility and compared it to the information contained in the September 4, 2019 Dun and Bradstreet Report Duns No. 11-003-5149 (Attachment 11):

The information provided to the inspectors during the inspection generally concurs with the information obtained from the September 4, 2019 Dun and Bradstreet Report Duns No. 11-003-5149 (Attachment 11) with the following exception: the September 4, 2019 Dun and Bradstreet Report Duns No. 11-003-5149 (Attachment 11) states that the Branch Manager is Mr. Bertram Schaeffer, Vice President.

## **2. SECTIONS 302 AND 303 OF EPCRA**

During the inspection, Bulk facility representatives indicated to the inspectors that the facility stored EHSs onsite in quantities greater than their Threshold Planning Quantities (TPQs) during calendar years 2016, 2017, and 2018.

Based on Tier II Reports for calendar years 2016, 2017, and 2018 (Attachments 12, 13, and 14, respectively), the inspectors determined that the Bulk facility stored three (3) EHSs onsite in quantities greater than their TPQs during calendar years 2016, 2017, and 2018: hydrofluoric acid, nitric acid, and sulfuric acid.

According to Section 302 of EPCRA, if a facility stores an EHS in a quantity equal to or in excess of its respective TPQ, then that facility must notify the State Emergency Response Commission

(SERC) that the facility qualifies as an Emergency Planning Facility. Section 303 of EPCRA states that if a facility is subject to the reporting requirements of Section 302 (i.e., stores an EHS in a quantity equal to or in excess of its TPQ), then the facility must designate a Facility Emergency Coordinator (FEC) and identify this person to the Local Emergency Planning Committee (LEPC).

The Bulk facility representatives were unable to locate initial submissions pursuant to Sections 302 and 303 of EPCRA. According to the Bulk facility representatives, EHSs and the FEC are included in the annual Tier II Report submission.

The Pennsylvania Emergency Management Agency (PEMA) has not provided a completed Certified Statement to date. According to the July 18, 2019 Certified Statement from the LEPC (Attachment 15), responses pursuant to Sections 302 and 303 of EPCRA have not been received.

### 3. SECTION 304 OF EPCRA AND SECTION 103 OF CERCLA

#### June 9, 2019 Release of Nitric Acid

The release information below is based on information gathered during and after the inspection, including the following:

- July 29, 2019 Email from Mr. Adams (Bulk) to (b) (4) (CNA) (Attachment 9);
- Release Timeline (Attachment 16);
- September 25, 2019 Email from Mr. Adams (Bulk) to (b) (4) (CNA) (Attachment 17);
- Emergency Action Plan (Attachment 18);
- June 9, 2019 Onsite Chemical Inventory (Attachment 19);
- Spill Extent and Sampling Maps (Attachment 20); and
- Nitric Acid SDS (Attachment 21).

Facility: Bulk Chemicals Inc.			Location: Mohrsville, Pennsylvania
Release Date:	June 9, 2019		LEPC: Berks County Department of Emergency Services
			SERC: Pennsylvania Emergency Management Agency
	Chemical	CAS#	Quantity Released
1	Nitric Acid	7697-37-2	14,472 pounds
Date	Time	Milestone	Comments
May 23, 2019	N/A	Neoprene Gaskets Ordered	Mr. Adams (Bulk) stated that the Bulk facility ordered three (3) neoprene gaskets to fix a small leak on a five thousand three hundred (5,300) gallon stainless steel nitric

			acid tank (Attachment 16). The tank is located within a sealed cinderblock containment area along with other storage tanks.
May 31, 2019	Unknown	Gasket Repair	The repair was made on this date. However, the gaskets ordered and installed were incompatible with nitric acid.
June 3, 2019	Unknown	Nitric Acid Delivery	According to Mr. Adams (Bulk), forty-four thousand nine hundred eighty (44,980) pounds of sixty-seven (67) percent nitric acid were delivered on this date. The gasket repairs were subsequently observed for leaking on a daily basis.
June 8, 2019	Unknown	Bulk Representative Onsite	Mr. Adams (Bulk) stated that on Saturday, June 8, 2019, Mr. David Heffelfinger (Bulk), production supervisor, came in to the facility to check on mixing that was ongoing over the weekend. At this time, Mr. Heffelfinger (Bulk) did not observe a release of nitric acid or nitric acid odors. Mr. Adams (Bulk) stated that there was no one else onsite over the weekend as there was no production at that time.
June 9, 2019	0600 hours	Release from Nitric Acid Tank Began	According to Mr. Adams (Bulk), based upon video footage, the Bulk facility determined that the release of nitric acid from the tank into the containment area began at this time. The nitric acid ultimately exited from the bottom of the containment area and traveled in a northwesterly direction across the floor of the building until it reached the exterior wall. The nitric acid then exited the Bulk building through the exterior wall, and traveled along a paved edge and grass area in a northwesterly direction to Mohrsville Road. Upon reaching the road, the material flowed in a southwesterly direction along Mohrsville Road to a low point at the southwest corner of the Bulk facility.
	1745 hours	Release Observed by Fire Chief	Mr. Adams (Bulk) stated that at 5:45 p.m. (1745 hours), Mr. Rusty Wagner, Fire Chief for the Shoemakersville Fire Department, was driving by the Bulk facility and observed nitric acid traveling down to the street from the Bulk building.
	1830 hours to 1845 hours	Bulk Notified of Release	By this time, Mr. Wagner (Fire Department) had advised the Bulk facility of the situation.

	1900 hours	Mr. Adams (Bulk) Onsite	Mr. Adams (Bulk) stated that he was onsite by this time.
	1930 hours	PEMA and PADEP Notified	Mr. Adams (Bulk) stated that PEMA and PADEP were notified by this time. It is unknown who notified these agencies.
	Unknown	Release Terminated	According to Mr. Adams (Bulk), Berks County Hazmat, assisted by Lehigh County Hazmat, arrived onsite and ultimately made joint entry into the facility building and stopped the release. Mr. Adams (Bulk) was unable to provide the times that the hazmat teams arrived onsite or made entry to the building.
	2230 hours	Evacuations Completed	Mr. Adams (Bulk) stated that evacuations were made within a half (1/2) mile radius.
	Unknown	Nitric Acid Transferred	Mr. Adams (Bulk) stated that two thousand (2,000) gallons of nitric acid in the leaking tank were transferred to an open top mixing tank by the emergency responders.
	Unknown	LEPC Notification	Mr. Adams (Bulk) stated that the LEPC was notified in person while onsite for the release response on June 9, 2019.
June 10, 2019	0145 hours	Sioux Onsite	According to Mr. Adams (Bulk), Sioux Environmental (Sioux) was brought onsite to conduct the exterior response and cleanup (Attachment 9).
	0330 hours	First Call Onsite	Mr. Adams (Bulk) stated that First Call Environmental (First Call) was onsite by this time to complete cleanup in the interior of the Bulk building. First Call planned to neutralize the acid for removal.
		Mr. Adams (Bulk) Offsite	Mr. Adams (Bulk) departed the Bulk facility at this time.
	0730 hours to 0800 hours	PADEP Onsite	According to Mr. Bosnyak (PADEP), he and Mr. Walter Bair (PADEP), Emergency Response Manager, were in the vicinity on the morning of June 10, 2019 and decided to visit the Bulk facility.
	1040 hours	Mr. Adams (Bulk) Onsite	Mr. Adams (Bulk) stated that he returned to the Bulk facility at approximately this time.
	1044 hours	Fire Began	Just after his arrival, an electrical fire started in the southeast corner of the Bulk building during release clean-up activities due to nitric acid fumes compromising the electrical wiring and equipment.
	After 1044 hours	Fire Department	Mr. Adams (Bulk) stated that in response to the fire, First Call used two (2) fire

		Onsite	<p>extinguishers. Mr. Rowley (Bulk) called 911, and the Shoemakersville Fire Department arrived at the facility quickly. Everyone evacuated the Bulk building. By 10:47 a.m. (1047 hours), electric to the building was cut.</p> <p>According to Mr. Adams (Bulk), the fire department cut two (2) holes in the side of the building for venting and spraying water. A quarter (1/4) mile evacuation was completed in response to the fire. Mr. Adams (Bulk) stated that residents were upset because they had only just returned to their homes from the evacuation the previous night of June 9, 2019. This evacuation was initiated by Mr. Wagner (Shoemakersville Fire Department) (Attachment 17).</p>
	1232 hours	NRC Notification	Mr. Rowley (Bulk) contacted the NRC on June 10, 2019 at 12:32 p.m. (1232 hours) to report the nitric acid release. The Bulk facility provided the inspectors with the Emergency Action Plan (Attachment 18).
	1900 hours	OSC Onsite	According to Mr. Bosnyak (PADEP), the Berks County EMA, the Berks County Hazmat, and PADEP requested that the OSC respond to the Bulk facility. Ms. Chase (EPA) stated that she arrived onsite at approximately this time.
June 11, 2019	0300 hours to 0400 hours	Lewis Contacted	By approximately 3:00 a.m. (0300 hours) to 4:00 a.m. (0400 hours) on June 11, 2019, the Bulk facility contacted Lewis to respond to the facility.
	Unknown	Sioux Response Terminated	Sioux was relieved of cleanup responsibilities on this date.
	N/A	Cleanup Work On Hold	First Call did not conduct any work on this date.
June 12, 2019	Unknown	First Call Response Terminated	First Call was relieved of cleanup responsibilities on this date.
	Unknown	Lewis Began Onsite Work	After assessing the site, Lewis began work by June 12, 2019.
July 10, 2019	N/A	EPA Response Completed	Ms. Chase (EPA) stated that EPA was onsite at the Bulk facility from June 10, 2019 to July 10, 2019. The Emergency Response Team (ERT) conducted air monitoring, but did not detect nitric acid.



Mr. Adams (Bulk) stated that the fire melted totes and holding tanks inside of the building, causing some other chemicals to leak inside the building. A two hundred seventy-five (275) gallon tote containing fluorotitanic acid leaked into the building. However, Mr. Adams (Bulk) stated that there was no evidence in samples taken that this material migrated outside of the building. In addition, Mr. Adams (Bulk) was unable to identify which other chemicals, if any, were released within the Bulk building following the nitric acid release and the electrical fire. Following the inspection, Mr. Adams (Bulk) provided the inspectors with an onsite chemical inventory for June 9, 2019 (Attachment 19).

According to Mr. Adams (Bulk), cleanup activities resumed following the fire.

Mr. Adams (Bulk) stated that the release was initially captured on the southwest corner of the facility. Booms were placed to keep material from leaving the facility property. Rain on Monday, June 10, 2019, caused the material to become diluted and travel offsite. There is a storm drain located down Mohrsville Road. Following the release events, the storm drain was sampled, in addition to a creek located across Mohrsville Road in which the storm drain discharges. The Bulk facility provided the inspectors with maps indicating the extent of the spill and sampling locations (Attachment 20).

Ms. Chase (EPA) stated that EPA sampled five (5) local wells following the release event. The preliminary results indicated that the wells were not impacted by the nitric acid release event.

Mr. Adams (Bulk) stated that one thousand eight hundred fifty (1,850) gallons of nitric acid were released from the leaking nitric acid tank. However, Mr. Adams (Bulk) was unable to provide the inspectors with release calculations. Using the Safety Data Sheet (SDS) for nitric acid (Attachment 21), the inspector completed the following calculations:

$1,850 \text{ gallons } 67\% \text{ nitric acid} \times 8.34 \text{ pounds/gallon} \times 1.4 \text{ (specific gravity)} = 21,600 \text{ pounds}$

$21,600 \text{ pounds } 67\% \text{ nitric acid} \times .67 = 14,472 \text{ pounds } 100\% \text{ nitric acid}$

Mr. Adams (Bulk) stated that he is unable to get in communication with Sioux and First Call. He stated that Sioux hauled away some material, but did not know the quantity of material. Mr. Adams (Bulk) stated that he was not provided with a manifest for the material hauled away.

The containment area was pumped out, and the materials were collected in two (2) vac trucks by Miller Environmental. The pH was 5.5. The date that this occurred and the quantity that was collected were not provided to the inspectors.

During the inspection, Mr. Adams (Bulk) stated that chrome was identified as having been released from the building. The inspectors requested that the Bulk facility representatives provide the inspectors with additional information and release quantities of chrome. Following the inspection, Mr. Adams (Bulk) stated that the total chrome in Rinse 6A is seven hundred fifty (750) pounds (Attachment 9).

At the time of the inspection, Lewis was still onsite completing cleanup and sampling activities. On July 25, 2019, the date of the inspection, Lewis representatives stated that they were coring through seams in the floor to take samples to determine if material was released through the floor.

Mr. Adams (Bulk) stated that since cleanup and remediation are ongoing, sample results regarding the extent of the release are currently unavailable.



Mr. Adams (Bulk) stated that PEMA was not notified of the release.

Mr. Adams (Bulk) stated that a written follow-up report was not submitted to the SERC or the LEPC.

To date, PEMA has not provided a completed Certified Statement.

According to the July 18, 2019 Certified Statement from the LEPC (Attachment 15), the LEPC stated that they did not receive notification regarding the release of nitric acid. In addition, the LEPC stated that a written follow-up report was not received by the LEPC (Attachment 15).

#### 4. SECTIONS 311 AND 312 OF EPCRA

The Bulk facility representatives stated that they use the Chempax inventory system. The Bulk facility representatives did not provide the inspectors with a Maximum Storage Quantity (MSQ) List at the time of the inspection.

The Bulk facility representatives also provided the inspectors with SDSs for chemicals stored at the facility (Attachments 21-28).

The Bulk facility representatives provided the inspectors with current hazardous chemical inventory lists for the non-responsive based on revised scope locations (Attachments 29 and 30).

Based on information obtained during the inspection and the Tier II Reports for calendar years 2016, 2017, and 2018 (Attachments 12, 13, and 14, respectively), the Bulk facility stored seven (7) hazardous chemicals during calendar years 2016, 2017, and 2018 in quantities greater than their minimum threshold level.

Hazardous Chemical	CAS No.	TPQ (pounds)	Maximum Storage Quantity		
			2016	2017	2018
Chromic Acid	1333-82-0	10,000	9,000	9,500	16,477
Hydrofluoric Acid	7664-39-3	100	9,000	9,000	9,713
Nitric Acid	7697-37-2	500	40,000	40,000	38,541
Phosphoric Acid	7664-38-2	10,000	55,000	55,000	67,370
Potassium Hydroxide	1310-58-3	10,000	50,000	50,000	36,231
Sodium Hydroxide	1310-73-2	10,000	48,000	54,000	43,196
Sulfuric Acid	7664-93-9	500	17,000	23,600	14,030

According to Section 311 of EPCRA, if a facility has present a hazardous chemical, for which the Occupational Safety and Health Administration (OSHA) requires a Material Safety Data Sheet (MSDS), in a quantity which meets or exceeds ten thousand (10,000) pounds, or an EHS in a quantity which meets or exceeds five hundred (500) pounds or its respective TPQ, whichever is less, that facility is required to submit MSDSs for each such chemical, or a list identifying these chemicals, to the SERC, the LEPC, and the local Fire Department.

According to Section 312 of EPCRA, a facility is required to annually submit Tier I or Tier II Inventory Forms (all U.S. EPA Region 3 States require the submission of Tier II Inventory Forms) if they have present hazardous chemicals in quantities equal to or greater than ten thousand (10,000) pounds, or EHSs in quantities which meet or exceed their respective TPQ, or five hundred (500) pounds, whichever is less.

Based on information obtained during the inspection and the Tier II Reports for calendar years 2016, 2017, and 2018 (Attachments 12, 13, and 14, respectively), there were no reporting inaccuracies noted.

The following table summarizes the compliance status of the Bulk facility based on information obtained during the inspection; the July 19, 2019 Email Message from Ms. Carol Freeman (Pennsafe) (Attachment 31); and the July 18, 2019 Certified Statement from the LEPC (Attachment 15):

	Information Provided By:	Calendar Year		
		2016	2017	2018
<b>Section 311 of EPCRA</b>	Facility	The Bulk facility was unable to locate submissions pursuant to Section 311 of EPCRA.		
	SERC	The SERC stated that a response pursuant to Section 311 of EPCRA has been received.		
	LEPC	The LEPC stated that a response pursuant to Section 311 of EPCRA has not been received.		
	Local Fire Department	The local Fire Department has not provided a completed Certified Statement.		
<b>Section 312 of EPCRA</b>	Facility	The Bulk facility provided the inspectors with Tier II Reports for calendar years 2016, 2017, and 2018 (Attachments 12, 13, and 14, respectively).		
	SERC	A Tier II Report was received on February 24, 2017.	A Tier II Report was received on February 27, 2018.	A Tier II Report was received on February 26, 2019.
	LEPC	The LEPC stated that a response pursuant to Section 312 of EPCRA has not been received.		
	Local Fire Department	The local Fire Department has not provided a completed Certified Statement.		

## VI. POTENTIAL VIOLATIONS SUMMARY

### Section 304 of EPCRA and Section 103 of CERCLA

#### June 9, 2019 Release of Nitric Acid

- On June 9, 2019 at 6:00 a.m. (0600 hours), a release of nitric acid began.
- The release was first observed by Mr. Wagner (Shoemakersville Fire Department) at 5:45 p.m.

(1745 hours) on June 9, 2019. Bulk was advised of the release between 6:30 p.m. (1830 hours) and 6:45 p.m. (1845 hours).

- Mr. Adams (Bulk) stated that the LEPC was notified of the release in person during the release response on June 9, 2019. The LEPC stated that immediate notification of the release was not received by the LEPC (Attachment 15).
- The Bulk facility notified the NRC of the release on June 10, 2019 at 12:32 p.m. (1232 hours), approximately eighteen (18) hours and two (2) minutes after being notified of the release.
- The Bulk facility stated that the fire melted totes and holding tanks inside of the building, causing other chemicals to leak inside of the building. However, it is unknown whether any of these chemicals migrated outside of the building, and if they did, the Bulk facility was unable to identify which chemicals were released.
- The inspector completed calculations to determine that fourteen thousand four hundred seventy-two (14,472) pounds of nitric acid were released from the nitric acid tank on June 9, 2019. It is unknown how much was recovered during the release response.
- Mr. Adams (Bulk) stated that PEMA was not notified of the release. The SERC has not provided a completed Certified Statement.
- Written follow-up reports were not completed and submitted to the SERC or LEPC. The SERC has not provided a completed Certified Statement. The LEPC stated that a written follow-up report has not been received (Attachment 15).

It appears that the Bulk facility had a release of nitric acid into the environment in a quantity greater than its RQ of one thousand (1,000) pounds. In addition, it appears that this release migrated offsite. Therefore, the Bulk facility was required to immediately notify the NRC, the SERC, and the LEPC, in addition to providing written follow-up reports to the SERC and LEPC, regarding the June 9, 2019 release. Based on the information received from the facility, (b) (5) (b) (5) (b) (5) (b) (5) :

Count	Violation
1	(b) (5) (b) (5) (b) (5) (b) (5) (b) (5) (b) (5)
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### Sections 311 and 312 of EPCRA

The Bulk facility was unable to locate submissions pursuant to Section 311 of EPCRA. The SERC stated that a submission pursuant to Section 311 of EPCRA has been received (Attachment 31). The LEPC stated that a submission pursuant to Section 311 of EPCRA has not been received (Attachment 15). The local Fire Department has not provided a completed Certified Statement.

The Bulk facility provided the inspectors with Tier II Reports for calendar years 2016, 2017, and 2018 (Attachments 12, 13, and 14, respectively); however, the Bulk facility did not provide the inspectors with

cover letters or delivery confirmation regarding submissions pursuant to Section 312 of EPCRA to the LEPC and local Fire Department. The SERC stated that the Tier II Reports for calendar years 2016, 2017, and 2018 were received in a timely manner (Attachment 31). The LEPC stated that Tier II Reports for calendar years 2016, 2017, and 2018 have not been received (Attachment 15). The local Fire Department has not provided a completed Certified Statement.

Based on information obtained during the inspection and the Tier II Reports for calendar years 2016, 2017, and 2018 (Attachments 12, 13, and 14, respectively), there do not appear to be any reporting inaccuracies that would be in violation of Sections 311 and 312 of EPCRA for calendar years 2016, 2017, and 2018.

Based on the information received from the facility, (b) (5) (b) (5) (b) (5) at this time:

<u>Count</u>	<u>Violation</u>
6	(b) (5) (b) (5) (b) (5) (b) (5) (b) (5) (b) (5)
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## VII. ATTACHMENTS

1. Notice of Inspection (1 page).
2. Receipt for Samples and Documents (1 page).
3. Meeting Sign-In Sheet (1 page).
4. Facility Map Series, Including Street, Topographical, and Aerial Maps (3 pages, single-sided).
5. Photograph Log (13 pages, single-sided).
6. National Response Center Incident Report No. 1248397 (4 pages, single-sided).
7. July 17, 2019 Letter from Ms. Theresa Gallagher (EPA) to Mr. Adams (Bulk) Confirming the Scheduled Inspection (14 pages, single-sided).
8. Background Information (1 page).
9. July 29, 2019 Email Message from Mr. Adams (Bulk) to (b) (4) (CNA) (2 pages, single-sided).

10. Aerial Map (1 page).
11. September 4, 2019 Dun and Bradstreet Report DUNS No. 11-003-5149 (15 pages, single-sided).
12. Calendar Year 2016 Tier II Report (6 pages, single-sided).
13. Calendar Year 2017 Tier II Report (10 pages, single-sided).
14. Calendar Year 2018 Tier II Report (9 pages, single-sided).
15. July 18, 2019 Certified Statement from the LEPC (4 pages, single-sided).
16. Release Timeline (1 page).
17. September 25, 2019 Email from Mr. Adams (Bulk) to (b) (4) (CNA) (2 pages, single-sided).
18. Emergency Action Plan (3 pages, single-sided).
19. June 9, 2019 Onsite Chemical Inventory (9 pages, single-sided).
20. Spill Extent and Sampling Maps (3 pages, single-sided).
21. Nitric Acid SDS (9 pages, single-sided).
22. Chromic Acid SDS (13 pages, single-sided).
23. Hydrofluoric Acid 19.75% SDS (8 pages, single-sided).
24. Hydrofluoric Acid 60% SDS (8 pages, single-sided).
25. Phosphoric Acid SDS (7 pages, single-sided).
26. Potassium Hydroxide SDS (7 pages, single-sided).
27. Sodium Hydroxide SDS (8 pages, single-sided).
28. Sulfuric Acid SDS (7 pages, single-sided).
29. July 29, 2019 [redacted] Chemical Inventories (17 pages, single-sided).
30. July 30, 2019 [redacted] Chemical Inventories (43 pages, single-sided).
31. July 19, 2019 Email Message from Ms. Carol Freeman (Pennsafe) (29 pages, single-sided).

**VIII. ADDITIONAL INFORMATION AND OUTSTANDING ISSUES**

To date, PEMA and the local Fire Department have not yet responded to the request for completed Certified Statements.

**ATTACHMENT 1**

Notice of Inspection



**ATTACHMENT 2**

Receipt for Samples and Documents

**ATTACHMENT 3**

Meeting Sign-In Sheet

**ATTACHMENT 4**

Facility Map Series, Including Street, Topographical, and Aerial Maps

**ATTACHMENT 5**

Photograph Log

**ATTACHMENT 6**

National Response Center Incident Report No. 1248397

**ATTACHMENT 7**

July 17, 2019 Letter from Ms. Theresa Gallagher (EPA) to Mr. Adams (Bulk) Confirming the Scheduled Inspection

## **ATTACHMENT 8**

### **Background Information**



**ATTACHMENT 9**

July 29, 2019 Email Message from Mr. Adams (Bulk) to (b) (4) (CNA)

**ATTACHMENT 10**

Aerial Map

**ATTACHMENT 11**

September 4, 2019 Dun and Bradstreet Report DUNS No. 11-003-5149

**ATTACHMENT 12**

Calendar Year 2016 Tier II Report

**ATTACHMENT 13**

Calendar Year 2017 Tier II Report

**ATTACHMENT 14**

Calendar Year 2018 Tier II Report

**ATTACHMENT 15**

July 18, 2019 Certified Statement from the LEPC



**ATTACHMENT 16**

Release Timeline

**ATTACHMENT 17**

September 25, 2019 Email from Mr. Adams (Bulk) to (b) (4) (CNA)

**ATTACHMENT 18**

Emergency Action Plan

**ATTACHMENT 19**

June 9, 2019 Onsite Chemical Inventory

**ATTACHMENT 20**

Spill Extent and Sampling Maps

**ATTACHMENT 21**

Nitric Acid SDS

**ATTACHMENT 22**

Chromic Acid SDS



**ATTACHMENT 23**

Hydrofluoric Acid 19.75% SDS

**ATTACHMENT 24**

Hydrofluoric Acid 60% SDS

**ATTACHMENT 25**

Phosphoric Acid SDS

**ATTACHMENT 26**

Potassium Hydroxide SDS

**ATTACHMENT 27**

Sodium Hydroxide SDS

**ATTACHMENT 28**

Sulfuric Acid SDS

**ATTACHMENT 29**

July 29, 2019 non-responsive based on revised scope  
non-responsive based on revised scope Chemical Inventories

**ATTACHMENT 30**

July 30, 2019 non-responsive based on revised scope  
non-responsive based on revised scope Chemical Inventories



**ATTACHMENT 31**

July 19, 2019 Email Message from Ms. Carol Freeman (Pennsafe)